

O.S.D.



4000 DEFENSE PENTAGON
WASHINGTON DC 20301-4000



AUG 31 1998

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Approval of Certain Firefighter and Law Enforcement Officer Positions for Special Coverage Under the Federal Employees' Retirement System

We concur with your recommended coverage of the GS-081 and GS-1811 positions as specified in the attached memoranda. The positions are, therefore, approved for coverage as recommended. We also concur that the positions in the GS-083 and GS-085 series forwarded with the memoranda do not meet the definition of Law Enforcement Officer for purposes of special retirement coverage. The primary duties of these positions involve maintaining law and order and protecting life and property. Such positions are specifically excluded from coverage of the special retirement provisions by 5 CFR 842.802.

Please ensure that the employees in the GS-083 and GS-085 positions are notified of their rights to appeal this determination to the Merit Systems Protection Board as provided by 5 CFR 842.807.


Edwin Dorn

Attachments:
Department of Army memos



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL
WASHINGTON, DC 20310-6300

08 JUL 1992



REPLY TO
ATTENTION OF

MEMORANDUM THRU CHIEF OF STAFF, ARMY
ASSISTANT SECRETARY OF THE ARMY
(MANPOWER AND RESERVE AFFAIRS) CAROL D. SMITH
Assistant Deputy for
Civilian Personnel Policy

FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE (CIVILIAN
PERSONNEL POLICY/EQUAL OPPORTUNITY)

SUBJECT: Special Retirement Coverage for Firefighters
and Law Enforcement Officers--ACTION MEMORANDUM

Agency heads are authorized by title 5, Code of Federal Regulations, part 842, to determine coverage under the special retirement provisions of the Federal Employees' Retirement System (FERS) for firefighters and law enforcement officers. Agency head in this context means, for executive branch agencies, the head of an executive agency as defined in section 105, title 5, United States Code (5 USC 105). Within the Department of Defense, therefore, this authority rests with the Secretary of Defense rather than with the heads of the military departments. Positions eligible for the special retirement benefits are defined as either rigorous or secondary. The office of Personnel Management (OPM) defines "rigorous" and "secondary" positions in section 842.802 of title 5 of the Code of Federal Regulations (5 CFR 842.802) as follows:

a. Rigorous position means a position the duties of which are so rigorous that employment opportunities are required to be limited to young and physically vigorous individuals whose primary duties are (i) to perform work directly connected with controlling and extinguishing fires or (ii) investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States or protecting the personal safety of United States officials.

b. Secondary position means a position that (i) is clearly in the law enforcement or firefighting field, (ii) is in an organization having a law enforcement or firefighting mission, and (iii) is either supervisory or administrative.

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The Department of the Army herewith requests approval of coverage under the special retirement provisions of 5 USC 2412(d) for the rigorous or secondary firefighter and law enforcement positions at Watervliet Arsenal, Fort Sill, and the U.S. Army Criminal Investigation Command, listed at Tab A. Position descriptions are enclosed at Tab B.

FOR THE DEPUTY CHIEF OF STAFF FOR PERSONNEL:

for Charles W. Wetherholt
RAYMOND J. SUNSER
Director of Civilian Personnel

Enclosures

Don Hall/325-1331

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DEPARTMENT OF THE ARMY
FIREFIGHTER AND LAW ENFORCEMENT
POSITIONS

<u>Title/Series/Grade/ and Location</u>	<u>PD #</u>	<u>Recommended Designation</u>
Fire Protection Inspector GS-081-B Ft. Sill, OK	89225	Secondary
Criminal Investigator GS-1811-9 Watervliet Arsenal, NY	8832	Rigorous
Criminal Investigator GS-1811-13 Criminal Invest. Cmd	71260	Secondary
Criminal Investigator GS-1811-13 Criminal Invest. Cmd	72846	Secondary
Criminal Investigator GS-1811-13 Criminal Invest. Cmd	92062	Secondary

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TITLE	SERIES/GRADE	PD #	PRIMARY (P)/ SECONDARY (S)	ADVISORY CONCUR (C) NON-CONCUR (NC)
<u>Fort Hood</u>				
Detective	0083-07	#88-314	P	NC
Lead Police Officer	0083-07	#91-020	P	NC
Supv Police Officer	0083-09	#90-033	P	NC
Police Officer	0083-06	#90-034	P	NC
<u>Fort Drum</u>				
Detective	0083-07	#2716	P	NC (DRC)
Supv Detective	0083-09	#2456	S	NC (DRC)
Police Officer	0083-04	#2640	P	NC
Police Officer	0083-05	#2641	P	NC
Police Officer	0083-05	#2636	P	NC
Police Officer	0083-05	#3040	P	NC
Police Officer	0083-06	#2669	P	NC
Police Officer	0083-06	#2682	P	NC
Police Officer	0083-06	#4254	S	NC
Supv Police Officer	0083-07	#2163	S	NC
Supv Police Officer	0083-07	#2637	S	NC
Supv Police Officer	0083-07	#2646	S	NC
Supv Police Officer	0083-11	#2424	S	NC
Police Officer	0083-07	#4096	P	NC
<u>Fort Pickett</u>				
Police Officer	0083-04	#89228	P	NC

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